

REMARKS

It appears that no claims have been canceled in this application. Thus, the claims pending are claims 1-13. It further appears that because of the restriction requirement and an election of species, only claims 6-8 and 11-13 have been examined.

Claims 6-8 and 11-13 have been rejected under 35 USC § 103 as being unpatentable over Matsuda and Kim, each taken individually. Those rejections are respectfully traversed.

In applicants' previous response it was explained how the Matsuda process and the Kim process are essentially completely different from the process that is here claimed. In the examiner's rejection it was found that the statement of the rejections lacked the explanation and the type of reasoning required to be set forth by an examiner to support a *prima facie* case of obviousness. MPEP §§ 706.02(j) and 2141-2143.03 and *Ex parte Levengood*, 28 USPQ2d 1300 (BPAI 1993) were cited as authority. No such explanation is found in the final rejection, and in this paper applicants will attempt to explain further.

Matsuda describes the procedures for the preparation of amphoteric resins by the following method: an NCO-terminated prepolymer (poly-functional regarding NCO) is produced. See col. 4, line 13: "groups." This low-NCO-containing (NCO = 2.5%) product (polymer) is converted with diethylene triamine (DETA) to give urea structures. Isocyanate groups are thus completely transformed. See col. 6, lines 42-46. Thereafter these amino groups are transformed producing polymer with octadecyl isocyanates or with alkyl epoxide. This product, which contains no NCO-groups, is then emulsified in water in order to treat fibers.

The examiner speculated that in Matsuda the urethane-prepolymer is ultimately produced from applicants' claimed isocyanates. The examiner has apparently confused the isocyanate-prepolymer, polyfunctional NCO-termini with the here claimed strictly mono-functional products. In Matsuda the surface-modification of the molecules follows the joining of alkyl chains, either through alkyl monoisocyanate (which is not within the instant claims) or through epoxide.

The examiner then makes the speculation mentioned above.

But the speculation and conclusion leading from it are improper. It makes a significant difference if one prepares an alkylisocyanate from a monoamine or produces such a product from a 1:1 addition of diisocyanate with a mono- or poly-functional isocyanate reactive component. Here, clear synthetic know-how is questioned, that by a "normal" 1:1-reaction (Matsuda does not explicitly name this reaction) an unruly mixture of different (and not clear) products are obtained.

It is self-explanatory that one can react the included NCO-groups with OH- or NH-groups.

Kim describes the preparation of an isocyanate-free thickener through the transformation of, for example, long chain polyetherols with alkyl isocyanate, for example, octadecyl isocyanate. The instant claims do not include that type of isocyanate. See particularly claim 7, which should be treated separately.

Kim concerns a typical "endcap" of a di- or tri-functional alcohol with alkyl chains toward the production of a "soap." Also in the examiner's quoted example 40, no "polybranched polymer" is produced, but rather simply a di-urethane of a PEG. That is quite remote from the here claimed subject matter.

The examiner states that a modification of surfaces with isocyanates of the types

claimed here is obvious in light of both references. However, one finds no suggestion in the references how to modify surfaces made-to-order.

Thus, absent some further explanation, there is no basis for a *prima facie* case of obviousness.

In light of the foregoing remarks it is believed that the rejections of record have been obviated and allowance of this application is respectfully requested.

A check in the amount of \$110.00 is attached to cover the required one month extension fee.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11-0345. Please credit any excess fees to such deposit account.

Respectfully submitted,

KEIL & WEINKAUF

A handwritten signature in cursive script, appearing to read "Melvin Goldstein".

Melvin Goldstein
Reg. No. 41,560

1350 Connecticut Ave., N.W.
Washington, D.C. 20036
(202)659-0100

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